



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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(703)583-3800
www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Thomas A. Faha
Regional Director

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Northern Virginia Auto Recycling LLC
FOR
Northern Virginia Auto Recycling LLC
VPDES Permit Registration No. VAR052357**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Northern Virginia Auto Recycling LLC, regarding the Northern Virginia Auto Recycling LLC facility, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "CSCE" means comprehensive site compliance evaluation.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. “Discharge” means the discharge of a pollutant.
7. “Discharge of a pollutant” when used with reference to the requirements of the VPDES permit program means:
 - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. “DMR” means Discharge Monitoring Report.
9. “Facility” or “Site” means the Northern Virginia Auto Recycling LLC facility located at 10212 Richmond Highway, Lorton, Fairfax County, Virginia 22079, from which discharges of stormwater associated with industrial activity occur.
10. “Northern Virginia Auto Recycling LLC” means Northern Virginia Auto Recycling LLC, a limited liability company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Northern Virginia Auto Recycling LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
11. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
12. “NRO” means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the State Water Control Law.
14. “Permit” means VPDES General Permit No. VAR05, which was issued under the State Water Control Law and the Regulation on July 1, 2019, and which expires on June 30, 2024. Northern Virginia Auto Recycling LLC applied for reissuance registration under the Permit and was issued Registration No. VAR052357 on September 6, 2019.
15. “Registration statement” means a registration statement for coverage under a storm water general permit.
16. “Regulation” means “The General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity,” 9 VAC 25-151-10, *et seq.*

17. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
18. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
19. "SWPPP" means Stormwater Pollution Prevention Plan.
20. "Va. Code" means the Code of Virginia (1950), as amended.
21. "VAC" means the Virginia Administrative Code.
22. "VPDES" means Virginia Pollutant Discharge Elimination System.
23. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. Northern Virginia Auto Recycling LLC owns and operates the Facility located at 10212 Richmond Highway, Lorton, Virginia, which discharges stormwater associated with industrial activity.
2. The Permit allows Northern Virginia Auto Recycling LLC to discharge stormwater associated with industrial activity from the Facility to Giles Run and an unnamed tributary of Giles Run, in strict compliance with the terms and conditions of the Permit.
3. Giles Run is located in the Potomac River Basin. Giles Run is listed in DEQ's 305(b) report as impaired for recreational use, aquatic life use, and fish consumption use. The stormwater discharge from the Facility is listed among the potential sources of the impairment for fish consumption, due to PCBs.
4. During a DEQ Facility inspection on May 30, 2018, DEQ staff documented the following compliance deficiencies with respect to the requirements of the Permit: Benchmark and Chesapeake Bay TMDL ("CB-TMDL") discharge monitoring was not being conducted at all outfalls; the Facility had not conducted quarterly visual monitoring examinations; the Facility had not conducted quarterly routine facility inspections; annual employee SWPPP training documentation was not available; annual comprehensive site compliance evaluations ("CSCE," a component of the 2014-2019 General Permit) documentation was unavailable; and petroleum soil staining and erosion channels were present on site.

5. A Warning Letter, W2018-07-N-1007, was issued in response to this deficient inspection on July 16, 2018.
6. On August 5, 2018, James Environmental Management, Inc. ("JEM"), the environmental contractor for Northern Virginia Auto Recycling LLC, responded to the WL on behalf of Northern Virginia Auto Recycling LLC, assuring DEQ that the Facility would resume sample collection, quarterly visual monitoring, and quarterly routine inspections. The response also included a SWPPP training log, dated September 28, 2017, and a Facility CSCE report, dated September 28, 2017.
7. A second WL, W2018-09-N-1011, was issued to Northern Virginia Auto Recycling LLC on September 11, 2018, citing no receipt of the January 1 through June 30, 2018, Benchmark DMRs or CB-TMDL DMRs for Outfalls 001, 002, and 003, due by July 10, 2018.
8. On September 26, 2018, JEM indicated that the missing Benchmark and CB-TMDL DMRs were submitted late, on August 21, 2018.
9. On August 23, 2019, a Notice of Violation, W2019-08-N-0002, was issued to Northern Virginia Auto Recycling LLC for the Facility's late submittal of the January 1 – June 30, 2019, Benchmark DMRs (due July 10, 2019, received July 29, 2019). The received DMRs indicated sampling occurred outside of the January through June monitoring period (meaning no sample was collected and analyzed during the January through June 2019 period), on July 8, 2019, and represented samples from Outfall 001, while reports for Outfall 002 and 003 were marked as substantially identical discharges to Outfall 001.
 - a. Part I.A.1.b, Table 70-1 of the Permit identifies the specific industrial sectors subject to the benchmark monitoring requirements of the Permit and the industry-specific pollutants of concern
 - b. Part I.A.5.a of the Permit states, "Reporting to the department. The permittee shall follow the reporting requirements and deadlines below for the types of monitoring that apply to the facility: ... Semiannual Monitoring: Submit the results by January 10 and July 10."
10. JEM responded on behalf of Northern Virginia Auto Recycling LLC to the NOV on August 26, 2019, indicating that the sample had been collected outside of the monitoring period, and that no sample was collected during the January through June 2019 monitoring period.
11. During a DEQ facility inspection on July 10, 2020, DEQ staff documented the following compliance deficiencies with respect to the requirements of the Permit:
 - a. The Facility had not conducted quarterly visual monitoring from the fourth quarter of 2018 through the date of the inspection,

- i. Part I.A.1.a.(1) of the Permit states, “The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall...”
- b. The Facility had not conducted quarterly routine facility inspections from the fourth quarter of 2018 through the date of the inspection,
 - i. Part III.B.5 of the Permit states, “Routine facility inspections. Personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of controls measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, areas where spills or leaks have occurred in the past three years, discharge points, and control measures... The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum of once per calendar quarter...”
- c. The January through June 2020 Benchmark DMR was missing data for parameters at all three Outfalls,
 - i. Part I.A.1.b, Table 70-1 of the Permit identifies the specific industrial sectors subject to the benchmark monitoring requirements of the Permit and the industry-specific pollutants of concern
 - ii. Part I.A.5.a of the Permit states, “Reporting to the department. The permittee shall follow the reporting requirements and deadlines below for the types of monitoring that apply to the facility: ... Semiannual Monitoring: Submit the results by January 10 and July 10.”
- d. Petroleum soil staining was present on site,
 - i. Part III.B.4.b.(1) of the Permit states, “Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges...”
- e. There were no definitive sample collection points at Outfall 001, 002, or 003, and clearly marked sampling points were not provided on the Facility map,
 - i. Part II.A.1 of the Permit states, “Samples and measurements taken as required by this permit shall be representative of the monitored activity.”
 - ii. Part III.B.2 of the Permit states, “Site description. The SWPPP shall include the following: ... b. A site map identifying the following: ... (8) Locations of stormwater outfalls. (a) An approximate outline of the area draining to each outfall; (b) The drainage area of each outfall in acres; (c) The longitude and latitude of each outfall; (d) The location of any MS4 conveyance receiving discharge from the facility; and (e) Each outfall shall be identified with a unique numerical identification code.”
- f. There was insufficient engineered structures and/or vegetation to control stormwater runoff, sediment, and erosion control at Outfalls 002 and 003,
 - i. Part III.B.4.b.(8) of the Permit states, “Management of runoff. The SWPPP shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures shall be used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site. Structural

- control measures may require a separate permit under § 404 of the Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.”
- ii. Part III.B.4.b.(7) of the Permit states, “Sediment and erosion control. The SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.”
 - g. The SWPPP asserted that Outfall 001 was representative of Outfalls 002 and 003 for purposes of DMR sampling and quarterly visual monitoring, however the totality of Site evidence suggests Outfall 001 does not discharge substantially identical effluent to the other outfalls at the Facility, and the SWPPP does not provide adequate evidence to support its conclusion,
 - i. Part I.A.2.f of the Permit states, “Representative outfalls – substantially identical discharges. If the facility has two or more outfalls that discharge substantially identical effluents, based on the similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, frequency of discharges, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall or outfalls. The substantially identical outfall monitoring provisions apply to quarterly visual monitoring, benchmark monitoring, and impaired waters monitoring (both those with and without and approved TMDL). The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring. The permittee shall include the following information in the SWPPP: (1) The locations of the outfalls; (2) An evaluation, including available monitoring data, indicating the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data where available; and (3) An estimate of the size of each outfall’s drainage area in acres.”
 - h. The SWPPP was unsigned,
 - i. Part III.E of the Permit states, “1. Signature and location. The SWPPP... shall be signed in accordance with Part II.K, dated, and retained on-site at the facility covered by this permit in accordance with Part II.B.2...”
 - i. Annual employee SWPPP training had not been conducted nor documented,
 - i. Part III.B.4.b.(6) of the Permit states, “Employee training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided at least annually for all employee

- who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed.”
- ii. Part IV.B.3 of the Permit states, “Employee training. Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, and solvents.”
- j. And a total of six CB-TMDL DMRs (one for Outfall 001, two for Outfall 002, and three for Outfall 003) had not been conducted and submitted.
- i. Part I.B.8 of the Permit states, “Discharges to waters subject to the Chesapeake Bay TMDL. a. Owners of facilities in the Chesapeake Bay watershed shall monitor their discharges for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) to characterize the contributions from their facility’s specific industrial sector for these parameters... Samples shall be collected and analyzed in accordance with Part I.A.2. Monitoring results shall be reported in accordance with Part I.A.5 and Part II.C, and retained in accordance with Part II.B.”
 - ii. Part I.B.8.b.(3) of the Permit states, “Facilities that did not complete four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall be subject to completing the monitoring requirements in Part I B 8 a beginning with the first full monitoring period after receiving permit coverage. Calculations and a Chesapeake Bay TMDL action plan if required under Part I B 8 f shall be submitted no later than 90 days following the completion of the fourth monitoring period to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department and maintained with the facility's SWPPP.”
12. During a review of required submissions for the Facility, DEQ noted that the PCB Pollutant Minimization Plant (“PMP”) for the Facility was due by January 1, 2021, and was not received until April 9, 2021. DEQ issued two NOVs for this violation.
- a. In a letter dated March 4, 2020, DEQ notified Northern Virginia Auto Recycling LLC that stormwater samples from the facility were analyzed and found to contain PCB concentrations above the water quality end-point of the PCB-TMDL for the Potomac River, and the criteria of the Virginia Water Quality Standards. This letter dictated the requirement for Northern Virginia Auto Recycling to develop a PCB-PMP for submission to DEQ by January 1, 2021, as well as conduct sampling and analysis of PCBs in calendar year 2023.
 - b. Part I.A.1.c.(3) of the Permit states, “Facilities discharging to an impaired water with an approved TMDL wasteload allocation. Owners of facilities that are a

source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the department when they are approved for coverage under the general permit. (a) Upon written notification from the department, facilities subject to TMDL wasteload allocations shall be required to monitor such discharges to evaluate compliance with the TMDL requirements.”

13. DEQ conducted a follow up inspection of the Facility on April 22, 2021, and noted several violations of the Permit, as noted below:

- a. Oil stained soil near the car crusher had been treated with a sorbent material, but had not been disposed of afterwards.
 - i. Part III.B.4.b.1 of the Permit states, “The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges...”
- b. The facility’s outfall locations did not directly match with the coordinates given in the facility’s 2019 registration statement.
 - i. Part II.A of the Permit states, “Samples and measurements taken as required by this Permit shall be representative of the monitored activity.”
- c. There were no corrective actions in the SWPPP regarding benchmark exceedances observed in the Jul-Dec 2020 DMR (TSS, iron, and aluminum at Outfall 001, and iron and aluminum at Outfall 002).
 - i. Part I.A.6.a of the Permit states, “(1) If the benchmark monitoring result exceeds the benchmark concentration value for that parameter, the permittee shall review the SWPPP and modify it as necessary to address any deficiency that caused the exceedance. Revisions to the SWPPP shall be completed within 60 days after an exceedance has been discovered...”
 - ii. Part III.F.2 of the Permit states, “SWPPP modifications shall be made within 60 calendar days after discovery, observation or event requiring a SWPPP modification...”
- d. The SWPPP provided during the inspection was out of date (not the revised version provided to DEQ, dated September 30, 2020), and was not signed.
 - i. Part III.E of the Permit states, “1. Signature and location. The SWPPP... shall be signed in accordance with Part II.K, dated, and retained on-site at the facility covered by this permit in accordance with Part II.B.2...”
- e. The 4th Quarter 2020 Quarterly Visual Monitoring report was unavailable for review, and the 1st Quarter 2021 report was not dated or signed.
 - i. Part I.A.1.a.(1) of the Permit states, “The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall...”

14. NRO issued Warning Letters and a Notice of Violation for the violations noted above as follows: WL No. W2018-07-N-1007, issued July 16, 2018; WL No. W2018-09-N-1011, issued September 11, 2018; NOV No. W2019-08-N-0002, issued August 23, 2019; NOV No. W2020-08-N-0006, issued August 14, 2020; NOV No. W2021-03-N-0004, issued March 11, 2021; and NOV No. W2021-04-N-0007, issued April 21, 2021.

15. Northern Virginia Auto Recycling LLC responded to the Warning Letters and Notice of Violation through a meeting held with itself and DEQ on September 1, 2020, and by submitting a response report and planned schedule of corrective action to address the violations on September 30, 2020. The plan and schedule are incorporated in Appendix A of the Order. A copy of the Facility's PMP was submitted to DEQ on April 9, 2021.
16. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances
17. The Regulation, at 9 VAC 25-151-70, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
18. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
19. The Department has issued coverage under no permits or certificates to Northern Virginia Auto Recycling LLC other than under VPDES Permit No. VAR05.
20. The unnamed tributary of Giles Run, and Giles Run itself, are surface waters located wholly within the Commonwealth and are classified as "state waters" under State Water Control Law.
21. Based on the results of the May 30, 2018, and June 10, 2020, inspections, the meeting held on September 1, 2020, the documentation submitted on September 30, 2020, and the file reviews, the Board concludes that Northern Virginia Auto Recycling LLC has violated the following conditions of the Permit as noted in paragraphs C(1) through C(20) of this Order:
 - a. Permit Part I.A.1.b, Table 70-1; Part I.A.5.a; Part I.A.6.a; Part III.B.4.b.(1); Part III.B.4.b.(6); Part III.B.4.b.(8); Part II.A.1; Part III.B.2; Part III.B.4.b; Part I.A.2.f; Part I.B.11; Part III.E; Part I.A.1; Part I.A.1.c.(3); Part III.B.5; Part IV.B.3; and Part III.F.2.
22. In order for Northern Virginia Auto Recycling LLC to return to compliance, DEQ staff and Northern Virginia Auto Recycling LLC have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Northern Virginia Auto Recycling LLC, and Northern Virginia Auto Recycling LLC agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of \$17,150 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
Execution date + 90 days	\$8,575 or balance
Execution date + 180 days	\$8,575 or balance

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Northern Virginia Auto Recycling LLC. Within 15 days of receipt of such letter, Northern Virginia Auto Recycling LLC shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

**Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218**

Northern Virginia Auto Recycling LLC shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Northern Virginia Auto Recycling LLC shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Northern Virginia Auto Recycling LLC for good cause shown by Northern Virginia Auto Recycling LLC, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Northern Virginia Auto Recycling LLC admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Northern Virginia Auto Recycling LLC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Northern Virginia Auto Recycling LLC declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Northern Virginia Auto Recycling LLC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Northern Virginia Auto Recycling LLC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Northern Virginia Auto Recycling LLC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Northern Virginia Auto Recycling LLC shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

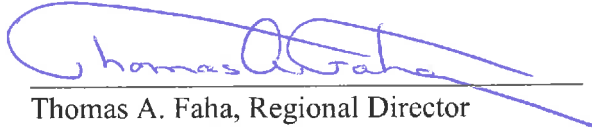
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Northern Virginia Auto Recycling LLC. Nevertheless, Northern Virginia Auto Recycling LLC agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Northern Virginia Auto Recycling LLC has completed all of the requirements of the Order;
 - b. Northern Virginia Auto Recycling LLC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Northern Virginia Auto Recycling LLC.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Northern Virginia Auto Recycling LLC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Northern Virginia Auto Recycling LLC and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Northern Virginia Auto Recycling LLC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Northern Virginia Auto Recycling LLC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Northern Virginia Auto Recycling LLC.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Northern Virginia Auto Recycling LLC voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 6th day of August, 20 21.



Thomas A. Faha, Regional Director
Department of Environmental Quality

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Northern Virginia Auto Recycling LLC voluntarily agrees to the issuance of this Order.

Date: 6/11/21 By: Benny K Cunningham member/manager
(Name) (Title)
Northern Virginia Auto Recycling LLC
BENNY K CUNNINGHAM

Commonwealth of Virginia
City/County of Campbell

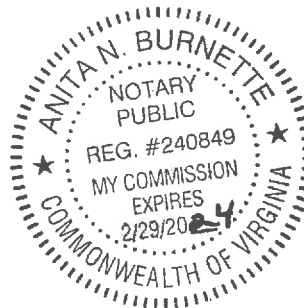
The foregoing document was signed and acknowledged before me this 11 day of June, 2021, by Benjamin K Cunningham who is member/manager of Northern Virginia Auto Recycling LLC, on behalf of the company.

Anita N. Burnette
Notary Public

240849
Registration No.

My commission expires: February 29, 2024

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. Northern Virginia Auto Recycling LLC shall:

- a. By July 9, 2021, submit records of the Facility's 2020 annual SWPPP training, including logs of attendees and an overview of the training's contents.
- b. Beginning on July 10, 2021, and continuing quarterly on October 10, 2021, and January 10, 2022: submit photographic evidence and narrative of ongoing improvements to engineered surfaces or vegetative coverage controls on downhill slopes along the eastern and southeastern border of the Facility, proximal to the current locations of Outfalls 002 and 003.
- c. By July 31, 2021, submit photographic evidence of completed structural amendments to the warehouse area of the Facility, to improve housekeeping and eliminate stormwater contact in this area of operation.
- d. By July 31, 2021, submit photographic evidence of completed structural amendments to the automobile dismantling area of the Facility, to improve housekeeping and eliminate stormwater contact in this area of operation.
- e. Submit the Facility's Quarterly Visual Monitoring report for the first full quarter following the execution of this Order. This report shall be submitted by the 10th day following the end of that calendar quarter: e.g., a visual monitoring report generated for the January through March quarter shall be submitted not later than April 10th.
- f. Submit the Facility's Quarterly Routine Inspection report for the first full quarter following the execution of this Order. This report shall be submitted by the 10th day following the end of that calendar quarter: e.g., a routine inspection report generated for the January through March quarter shall be submitted not later than April 10th.

2. DEQ Contact

Unless otherwise specified in this Order, Northern Virginia Auto Recycling LLC shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality
Northern Regional Office
Attn: Enforcement
13901 Crown Court
Woodbridge, VA 22193